

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

HENRY WATKINS SKINNER,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	Civil Action No. 2:09-CV-00281
	)	
LYNN SWITZER, District Attorney	)	
for the 31st Judicial District	)	
of Texas,	)	
	)	
<i>Defendant.</i>	)	

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to Local Rule 56.4, Plaintiff Henry Watkins Skinner files this Response to Defendant's Motion for Summary Judgment ("Defendant's Motion").

Mr. Skinner opposes Defendant's Motion in all respects. In particular, he opposes each of the grounds asserted in Defendant's Motion as follows:

1. Defendant is not entitled to summary judgment on asserted claim preclusion grounds, for the reasons stated in Section I of Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Partial Summary Judgment ("Plaintiff's Motion"), filed simultaneously with this Response.

2. Defendant is not entitled to summary judgment on the asserted ground that Defendant did not violate Mr. Skinner's constitutional rights because he had the opportunity to conduct DNA testing during his trial, for the reasons stated in Section II of Plaintiff's Brief.

Indeed, for the reasons further set forth in said section, Mr. Skinner, not Defendant, is entitled to summary judgment on his first claim for relief.

3. Defendant is not entitled to summary judgment on the asserted ground that Defendant did not violate Mr. Skinner's constitutional rights because DNA testing would not exonerate him, for the reasons stated in Section III of Plaintiff's Brief.

Respectfully submitted,



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*Counsel for Plaintiff*

Date: July 14, 2011

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<i>Plaintiff,</i>	)	
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of Texas,	)	
	)	
<i>Defendant.</i>	)	

**ORDER**

The Court, having considered the Defendant's Motion for Summary Judgment, the Plaintiff's Cross-Motion for Partial Summary Judgment, and all of the briefs, appendices and other supporting or opposing documentation submitted by the parties in connection therewith, ORDERS as follows:

Defendant's Motion for Summary Judgment is DENIED. Plaintiff's Cross-Motion for Partial Summary Judgment is GRANTED. Judgment shall be entered for Plaintiff with regard to the first cause of action set forth in his complaint.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2011.

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United States District Judge

**CERTIFICATE OF SERVICE**

On July 14, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, Amarillo Division, using the electronic case filing system of the Court. I hereby certify that I have served all counsel of record electronically in accordance with Federal Rule of Civil Procedure 5(b)(2)(E).



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Robert C. Owen